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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,950	08/29/2000	Mark T. Gross	5038-41	8973
20575	7590	11/18/2003	EXAMINER	
MARGER JOHNSON & MCCOLLOM PC 1030 SW MORRISON STREET PORTLAND, OR 97205			FLYNN, KIMBERLY D	
		ART UNIT	PAPER NUMBER	
		2153	8	

DATE MAILED: 11/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/650,950	GROSS, MARK T.	
Examiner	Art Unit		
Kimberly D Flynn	2153		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 16 September 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-7 and 14-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-7 and 14-17 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). ____ .
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other: ____ .

DETAILED ACTION

1. This action is in response to a Request for continued examination filed September 16, 2003. Claims 1-7 and 14-17 are presented for further consideration.

Claim Rejections – 35 U.S.C. 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feinleib (6,272,532), in view of Durlester et al. (“If OS/2 had a robust boot disk, we could stop doing the hokeypokey”).

In considering claim 1, Feinleib discloses a method for configuring an appliance across a network, comprising: receiving configuration instructions via e-mail received at the appliance (see col. 2, lines 50-59).

Although Feinleib shows substantial features of the claimed invention, he fails to disclose the configuration instructions in command format. However, Durlester et al., whose invention is about OS/2 troubleshooting, discloses such configuration instructions in command format (.INI.) (See page 2, lines 19-22). Therefore, given the teachings of Durlester et al., it would have been obvious for a person having ordinary skills in the art to modify Feinleib by sending/receiving

configuration instructions in a command format in order to provide direct execution of the configuration information, as opposed to parsing the information.

In considering claim 2, Feinleib discloses a method wherein the e-mail is received at a mail server on the appliance (see col. 2, lines 59-64).

In considering claim 3, Feinleib discloses a method wherein the mail server on the appliance communicates is one of the group comprised of: an IMAP server, and a SMTP server (see col. 2, lines 59-66).

In considering claim 5, Feinleib discloses a method wherein the method further comprises connecting the appliance to the network to receive the electronic mail (see col. 5, lines 28-36).

In considering claim 14, Feinleib discloses an article comprising:

a storage medium, the storage medium having stored thereon instructions, that, when executed by a computing device, result in:

i) reception of electronic mail by a network appliance (see col. 5, lines 28-36); and

ii) configuration of the appliance in accordance with instructions contained in the electronic mail (col. 2, lines 50-59).

Furthermore, Durlester et al. discloses configuration instructions in command format (.INI.) (See page 2, lines 19-22).

In considering claim 15, Feinleib discloses an article wherein the computing device is the network appliance (see col. 5, lines 28-36).

4. Claims 4, 6, 7, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feinleib and Durlester et al.

In considering claim 4, Feinleib discloses a method wherein the method further comprises running a mail daemon from the appliance, wherein the daemon monitors electronic mail for the device (see col. 5, lines 28-36).

Although Feinleib shows substantial features of the claimed invention, he fails to disclose the appliance always connected to the network. Nonetheless, the continual, uninterrupted connection of an appliance to a network would have been an obvious modification to the appliance disclosed by Feinleib, as many commercial devices are required to always be connected to the network in order to provide some type of requested service for end customers/clients. It would have been obvious for a person having ordinary skills in the art to modify Feinleib by always having the appliance connected to the network in order to provide 24/7 operations of usage for the appliance.

In considering claims 6 and 7, although Feinleib shows substantial features of the claimed invention, he fails to disclose the e-mail being received at a mail client on the appliance, as well as the mail client communicating with a mail server on the network. Nonetheless, the use of a mail client for receiving e-mail and communicating with a mail server would have been an obvious modification to the appliance disclosed by Feinleib, as many networks uses receive e-mail at a mail client on their PCs, such as Microsoft Outlook, wherein that mail client further communicates with a mail server, such as AOL. It would have been obvious for a person having ordinary skills in the art to modify Feinleib by receiving e-mail being at a mail client on the

appliance, and provide communication between the mail client and a mail server on the network in order to permanently archive/save the e-mails onto the client system.

In considering claims 16 and 17, although Feinleib shows substantial features of the claimed invention, he fails to disclose the network appliance being a remote camera or Internet radio player. Nonetheless, those two appliances are commonly used as network appliances for applications such as WebCam and Real Audio Player, and would have been obvious modifications to the network appliance disclosed by Feinleib. It would have been obvious for a person having ordinary skills in the art to modify Feinleib by using a remote camera or Internet radio player in order to utilize a multitude of multimedia services and applications.

Response to Arguments

5. Applicant(s) arguments filed 9/16/03 have been fully considered but they are not persuasive.
7. Applicant(s) argue that while Durlester and Feinleib teach including configuration instructions in a file that is then attached to the e-mail message, they do not teach wherein the configuration instructions are contained in the e-mail message. The Examiner disagrees. The claims, as written, are taught by Durlester and Feinleib. Claim 1 recites, *inter alia*, "receiving configuration instructions via an e-mail message including the instruction in command format received at the appliance". The claim merely states that the configuration instructions are received, and is silent as to how the instructions are received. There is no support to show that the instructions are not received as an attachment. The fact that Durlester and Feinleib teach that the configuration instruction are received as an attachment in the e-mail message the examiner

maintains that the cited prior art reads on the claimed limitation of receiving configuration instructions via e-mail.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D Flynn whose telephone number is 703-308-7609. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Kimberly D Flynn
Examiner
Art Unit 2153

KF
November 13, 2003



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